

HOUSE BILL No. 5806

May 22, 1990, Introduced by Rep. Jacobetti and referred to the Committee on Appropriations.

A bill to amend sections 1 and 22 of Act No. 207 of the Public Acts of 1941, entitled as amended "Fire prevention code,"

section 1 as amended by Act No. 70 of the Public Acts of 1987 and section 22 as amended by Act No. 247 of the Public Acts of 1980, being sections 29.1 and 29.22 of the Michigan Compiled Laws; and to add section 2c.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1 and 22 of Act No. 207 of the Public
2 Acts of 1941, section 1 as amended by Act No. 70 of the Public
3 Acts of 1987 and section 22 as amended by Act No. 247 of the
4 Public Acts of 1980, being sections 29.1 and 29.22 of the
5 Michigan Compiled Laws, are amended and section 2c is added to
6 read as follows:

1 Sec. 1. As used in this act:

2 (a) "Director" means the director of the department of state
3 police.

4 (b) "Department" means the department of state police.

5 (c) "Building" means a structure, framework, or place for
6 housing 1 or more persons and includes a tank, receptacle, or
7 container for the storage of commodities or other materials.

8 (d) "Premises" means a lot or parcel of land, exclusive of
9 buildings, and includes a parking lot, tourist camp, trailer
10 camp, airport, stockyard, junkyard, wharf, pier, and any other
11 place or enclosure, however owned, used, or occupied.

12 (e) "Fire hazard" means a building, premises, place, or
13 thing which by reason of its nature, location, occupancy, condi-
14 tion, or use may cause loss, damage, or injury to persons or
15 property by reason of fire, explosion, or action of the
16 elements.

17 (f) "Person" means an individual, partnership, corporation,
18 ~~or~~ voluntary association, TRUST, THE STATE OR ANY POLITICAL
19 SUBDIVISION OF THE STATE, A MUNICIPAL CORPORATION, A LOCAL UNIT
20 OF GOVERNMENT, A STATE, FEDERAL, OR LOCAL AGENCY, OR ANY PUBLIC
21 BODY CREATED UNDER STATE LAW.

22 (g) "Owner" means a person with an ownership interest in
23 property, and includes a trustee, a board of trustees of proper-
24 ty, or a person having a freehold interest in property. Owner
25 does not include a lessee or mortgagee of property.

26 (h) "Organized fire department" means an organization or
27 department which provides fire suppression and other fire related

1 services within a city, village, or township and is a fire
2 department of a city, village, or township, or a fire service
3 designated by a city, village, or township, pursuant to a
4 contract. Organized fire department includes a department of
5 county employees who are responsible for fire suppression and
6 other fire related services for an airport operated by the county
7 or an agency of the county.

8 (i) "State fire marshal" means the director or an officer of
9 the department appointed by the director to implement this act.

10 (j) "Firm" means a sole proprietorship, partnership, associ-
11 ation, or corporation.

12 (k) "Vehicle" means a tank vehicle or bulk transportation
13 vehicle, excluding the tractor of a tank vehicle or bulk trans-
14 portation vehicle.

15 (l) "Hazardous material" means explosives, pyrotechnics,
16 flammable gas, flammable compressed gas, nonflammable compressed
17 gas, flammable liquid, combustible liquid, oxidizing material,
18 poisonous gas, poisonous liquid, irritating material, etiologic
19 material, radioactive material, corrosive material, or liquefied
20 petroleum gas.

21 (m) "Fire fighter" means a member of an organized fire
22 department who is responsible for fire suppression and other fire
23 related services.

24 (n) "Place of public assemblage" means a room or other space
25 in a building ~~which room or other space~~ THAT can accommodate 50
26 or more individuals, including all connected rooms and space
27 which share a common means of entrance and egress. Place of

1 public assemblage does not include a private 1- or 2-family,
2 dwelling.

3 (o) "Fire chief" or "chief of an organized fire department"
4 means the chief operating officer of an organized fire
5 department.

6 (p) "Board" means the state fire safety board created in
7 section 3b.

8 (q) "Terminal" means a location at which an above ground
9 liquid storage tank containing a flammable liquid is located.

10 (r) "Attended terminal" means a terminal, other than a
11 remote control terminal, where an individual knowledgeable in the
12 above ground liquid storage tank filling operation is physically
13 in attendance and control during the entire delivery of a flamma-
14 ble liquid and has as his or her primary responsibility, super-
15 vising the storage tank filling operation.

16 (s) "Unattended terminal" means a terminal, other than a
17 remote control terminal, where an individual knowledgeable in the
18 above ground liquid storage tank filling operation is only in
19 attendance during a portion of the time when a flammable liquid
20 is being delivered or has as his or her primary responsibility, a
21 function other than supervising the storage tank filling
22 operation.

23 (t) "Remote control terminal" means a terminal where the
24 filling of the above ground liquid storage tank with a flammable
25 liquid is controlled at a remote location by the individual who
26 conveyed the flammable liquid to the terminal.

1 (u) "Pipeline" means a pipeline used to convey a flammable
2 liquid from a crude petroleum wellhead collection site to a
3 refinery or terminal or from a refinery to a terminal. A pipe-
4 line does not mean gathering lines from the wellhead to a crude
5 petroleum collection tank or piping used within a plant
6 operation.

7 (v) "Fire alarm system" means an assemblage of components
8 ~~which~~ THAT indicates or provides a warning of a fire emergency,
9 installation of which is required by the state fire marshal pur-
10 suant to rules promulgated by the state fire safety board under
11 section 3c.

12 (w) "Fire suppression system" means an integrated combina-
13 tion of a fire alarm system and fire suppression equipment
14 ~~which~~ THAT, as a result of predetermined temperature, rate of
15 temperature rise, products of combustion, flame, or human
16 intervention, will discharge a fire extinguishing substance over
17 a fire area, installation of which is required by the state fire
18 marshal pursuant to rules promulgated by the state fire safety
19 board under section 3c.

20 (x) "Flammable liquid" means a liquid having a flash point
21 below 100 degrees fahrenheit and having a vapor pressure not
22 exceeding 40 pounds per square inch absolute at 100 degrees
23 fahrenheit.

24 (y) "Combustible liquid" means a liquid having a flash point
25 at or above 100 degrees fahrenheit and below 200 degrees
26 fahrenheit.

(z) "Owner of vehicle" means either of the following:

(i) Any person renting or leasing a vehicle or having the exclusive use of a vehicle for a period greater than 30 days.

(ii) A person who holds the legal title to a vehicle, or if a vehicle is the subject of an agreement for the conditional sale or lease of the vehicle with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor ~~shall be considered~~ IS the owner.

SEC. 2C. (1) FOR A PLAN REVIEW AND INSPECTION REQUIRED UNDER THIS ACT OR UNDER A RULE PROMULGATED PURSUANT TO THIS ACT, A PERSON REQUESTING THE PLAN REVIEW AND INSPECTION SHALL PAY THE FEE ESTABLISHED IN SUBSECTION (3) TO THE STATE FIRE MARSHAL BEFORE THE STATE FIRE MARSHAL PERFORMS ANY SERVICES RELATED TO THE PLAN REVIEW AND INSPECTION.

(2) FOR AN ANNUAL INSPECTION OF A FACILITY REQUIRED UNDER THIS ACT OR UNDER A RULE PROMULGATED PURSUANT TO THIS ACT, A PERSON SHALL PAY THE FEE ESTABLISHED IN SUBSECTION (4) TO THE STATE FIRE MARSHAL BEFORE THE STATE FIRE MARSHAL CONDUCTS THE ANNUAL INSPECTION.

(3) THE INITIALLY ESTABLISHED FEE FOR A PLAN REVIEW AND INSPECTION IS 0.0044% OF THE TOTAL PROJECT COST. THE DEPARTMENT SHALL ANNUALLY REVIEW THE FEE AND ESTABLISH A FEE PURSUANT TO THE ADJUSTMENTS IN SUBSECTION (5).

1 (4) THE INITIALLY ESTABLISHED FEE FOR AN ANNUAL INSPECTION
2 OF A FACILITY IS \$7.73 PER LICENSED BED IN THE FACILITY. THE
3 DEPARTMENT SHALL ANNUALLY REVIEW THE FEE AND ESTABLISH A FEE PUR-
4 SUANT TO THE ADJUSTMENTS IN SUBSECTION (5).

5 (5) THE DEPARTMENT SHALL ADJUST THE FEES ESTABLISHED IN
6 SUBSECTIONS (3) AND (4) BY MULTIPLYING THE ANNUAL AVERAGE PERCENTAGE
7 INCREASE OR DECREASE IN THE DETROIT CONSUMER PRICE INDEX -
8 ALL ITEMS FOR THE PREVIOUS YEAR TIMES THE FEE IN USE AT THE TIME
9 OF ADJUSTMENT AND ADDING THE RESULT TO OR SUBTRACTING THE RESULT
10 FROM THE FEE IN USE AT THE TIME OF ADJUSTMENT. THE RESULTING
11 ADJUSTED FEE SHALL BECOME THE FEE ESTABLISHED IN SUBSECTION (3)
12 OR (4).

13 (6) THE FEES COLLECTED BY THE STATE FIRE MARSHAL UNDER THIS
14 SECTION SHALL BE DEPOSITED IN THE STATE GENERAL FUND.

15 (7) THE STATE FIRE MARSHAL SHALL DEVELOP AND MAKE AVAILABLE
16 A REQUEST FORM FOR THE SERVICES AND ACTIVITIES DESCRIBED IN THIS
17 SECTION. A COMPLETED REQUEST FORM SHALL ACCOMPANY PAYMENT OF THE
18 FEE REQUIRED BY THIS SECTION.

19 Sec. 22. (1) Except as otherwise provided ~~for~~ in this
20 act, a person who violates this act, or who maintains a fire
21 hazard in violation of this act, or rule promulgated pursuant to
22 this act, is guilty of a misdemeanor. In addition, the owner of
23 a firm or vehicle operated in this state which is operated in
24 violation of this act or the rules promulgated under this act
25 shall pay a civil fine of ~~-\$200.00-~~ \$500.00, if the violation
26 creates a fire hazard or a likelihood that hazardous material

1 will be released. Each civil fine collected shall be deposited
2 in the general fund of this state.

3 (2) A member of the board who intentionally violates section
4 3b(6) ~~shall be~~ IS subject to the penalties prescribed in THE
5 OPEN MEETINGS ACT, Act No. 267 of the Public Acts of 1976, as
6 amended, being sections 15.261 to 15.275 of the Michigan Compiled
7 Laws.

8 (3) If the board arbitrarily and capriciously violates sec-
9 tion 3b(9), the board ~~shall be~~ IS subject to the penalties pre-
10 scribed in THE FREEDOM OF INFORMATION ACT, Act No. 442 of the
11 Public Acts of 1976, as amended, being sections 15.231 to 15.246
12 of the Michigan Compiled Laws.